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Amending Land Use Plans with Programmatic Environmental Impacts – Issues and Lessons Learned

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Introduction

Programmatic EISs differ from project-specific EISs in a variety of ways:

- Nature and extent of the proposed action;
- Level and types of data and analyses; and
- The number and types of players involved.

Programmatic vs. Project-Specific EIS – Spatial Scale

■ Programmatic EISs involve a large spatial scale.

- More diverse/complicated affected environment
 - *Different types of affected resources*
 - Desert SW
 - Gulf of Mexico coastal plain
 - Temperate rain forests of the NW
 - Arctic tundra
 - *Multiple and different types of impacts*
 - Oil spills in the Gulf of Mexico vs. in the Arctic
 - Pipeline placement in desert soils vs. midwestern prairies
 - *Multiple and different sets of BMPs and mitigation measures*



Programmatic vs. Project-Specific EIS – Spatial Scale

■ Programmatic EISs address actions that encompass large geographic scales:

■ **Multi-State:**

- BLM Oil Shale and Tar Sands PEIS
 - *CO, UT, and WY*
- BLM Solar Energy PEIS
 - *AZ, CA, CO, NM, NV, UT*



Areas of Potential Oil Shale and Tar Sands Development

Project-Specific Programmatic vs. EIS – Spatial Scale

■ Regional:

- BLM Wind Energy PEIS
 - *eleven western states*
- BLM Geothermal Leasing PEIS
 - *eleven western states + Alaska*
- BLM/FS/DOE West-Wide Energy Corridors PEIS
 - *eleven western states*

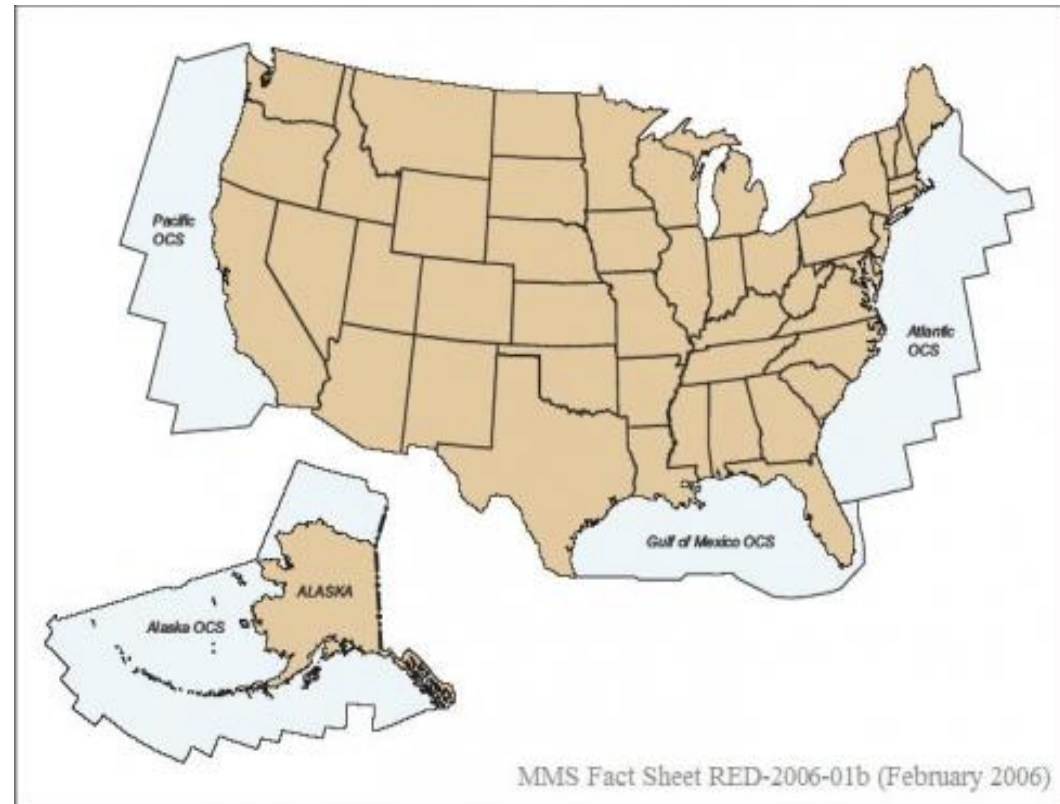


Section 368 Energy Corridors

Programmatic vs. Project-Specific EIS – Spatial Scale

■ Continental:

- MMS Outer Continental Shelf Oil and Gas Leasing PEIS
 - *Atlantic, Pacific, and Gulf of Mexico OCS; Beaufort and Chukchi Seas OCS, North Aleutian Basin, and Cook Inlet OCS, AK*



MMS OCS Planning Areas

Programmatic vs. Project-Specific EIS – Impacting Factors

- Programmatic analyses address *likely* impacts from the type of project that would be supported by a proposed program.
 - Construction and operation of a typical facility
 - Gas well
 - Pipeline
 - Wind farm



Programmatic vs. Project-Specific EIS – Best Management Practices and Mitigation Measures

- Best management practices (BMPs) and mitigating measures are based on the types of actions common to the program being proposed and target generic types of impacts.
 - Target not only construction, operation, and decommissioning, but also preconstruction considerations
 - *Project siting*
 - *Project design*
 - *Regulatory and Agency-specific compliance requirements and activities*



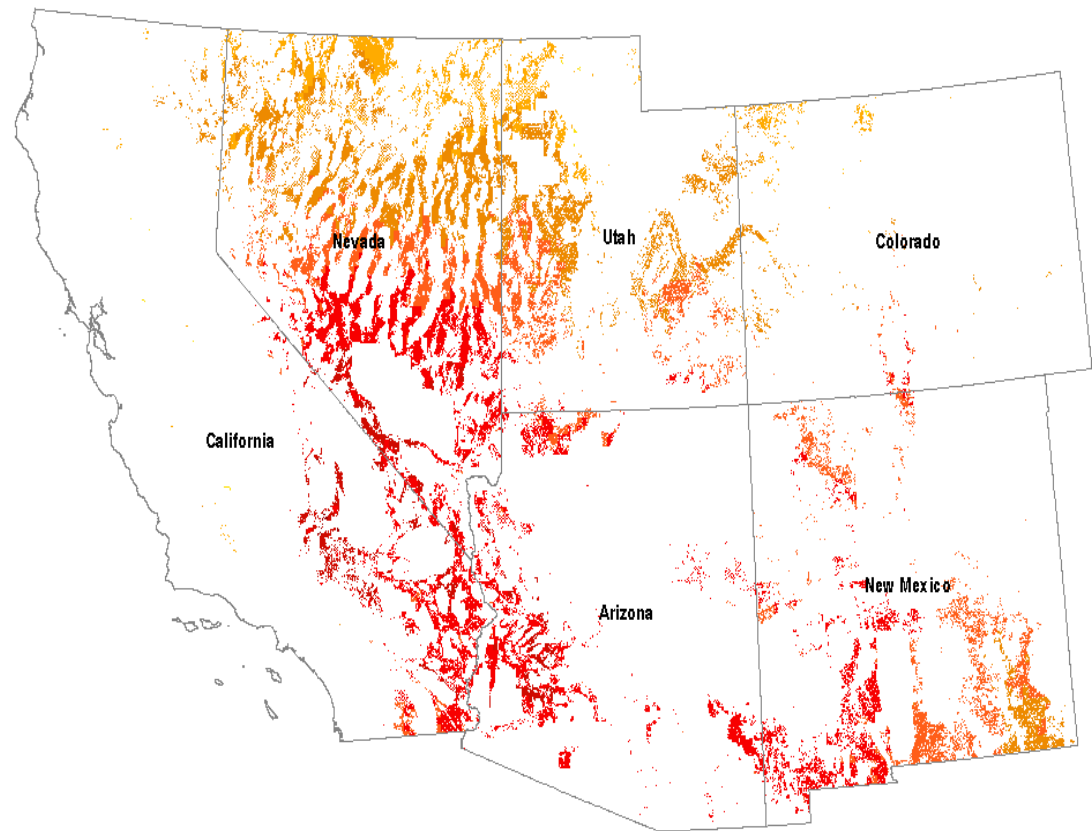
Programmatic vs. Project-Specific EIS – Project-Specific Impact Analyses, BMPs and Mitigation Measures

- Identification of project-specific impact analyses, BMPs, and mitigation measures typically deferred to project-specific EISs



Programmatic vs. Project-Specific EIS – Programs Rather Than Projects

- Programmatic EISs address programs to facilitate consideration of specific types of projects, and identify lands that may or may not be available for such projects
 - Wind, solar, and geothermal development
 - Oil and gas leasing and development
 - ROWs for energy transmission infrastructure



Areas of Potential Solar Energy Development

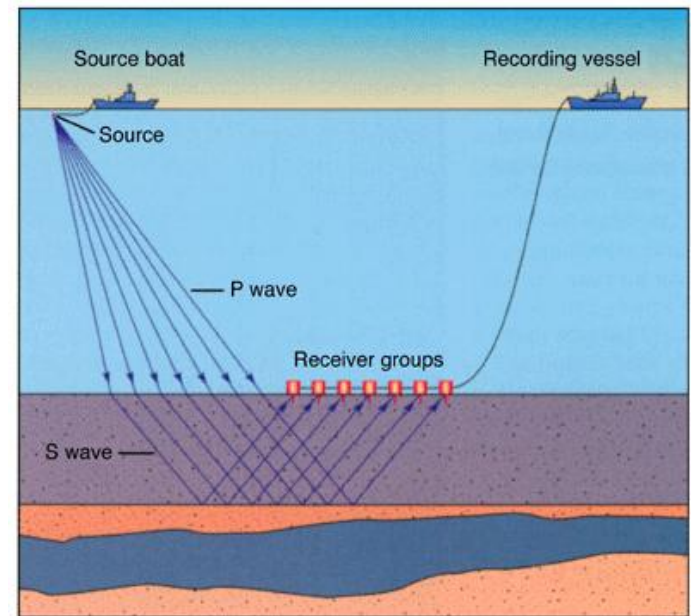
Programmatic vs. Project-Specific EIS – Changing Alternatives

■ Project-specific EIS

- Alternatives are project-driven
 - *typically well-identified*

■ Programmatic EIS

- Project-level details are not available
 - *The PEIS address a program and there are no proposed projects*
- May undergo multiple changes prior to release of the draft
 - *Often with little or no change in schedule*



Programmatic vs. Project-Specific EIS – Intra-Agency Coordination and Communication

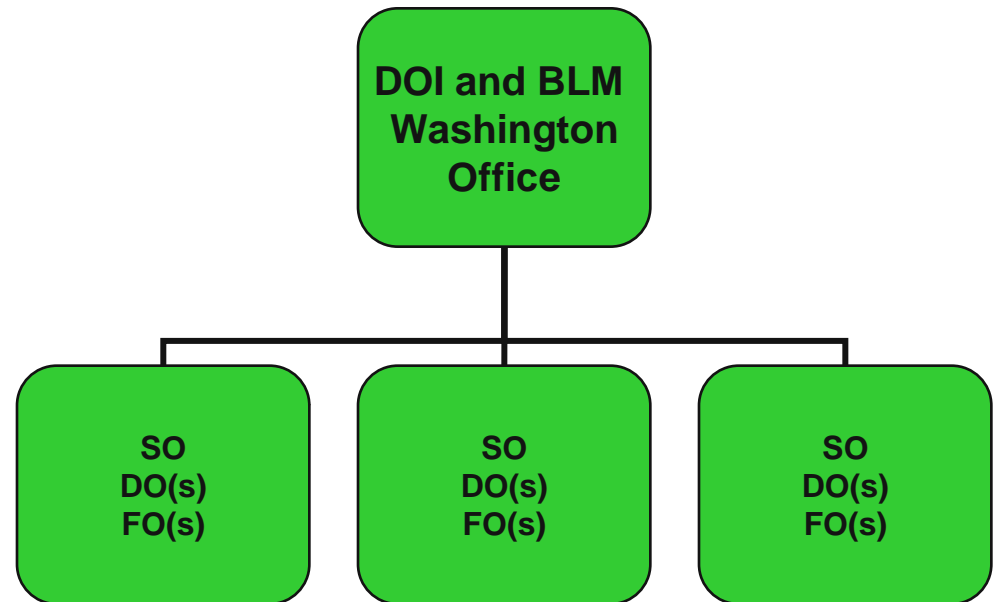
■ Project-specific EISs:

- Single State Office
- Typically a single Field or District Office
- Relatively limited Washington Office involvement



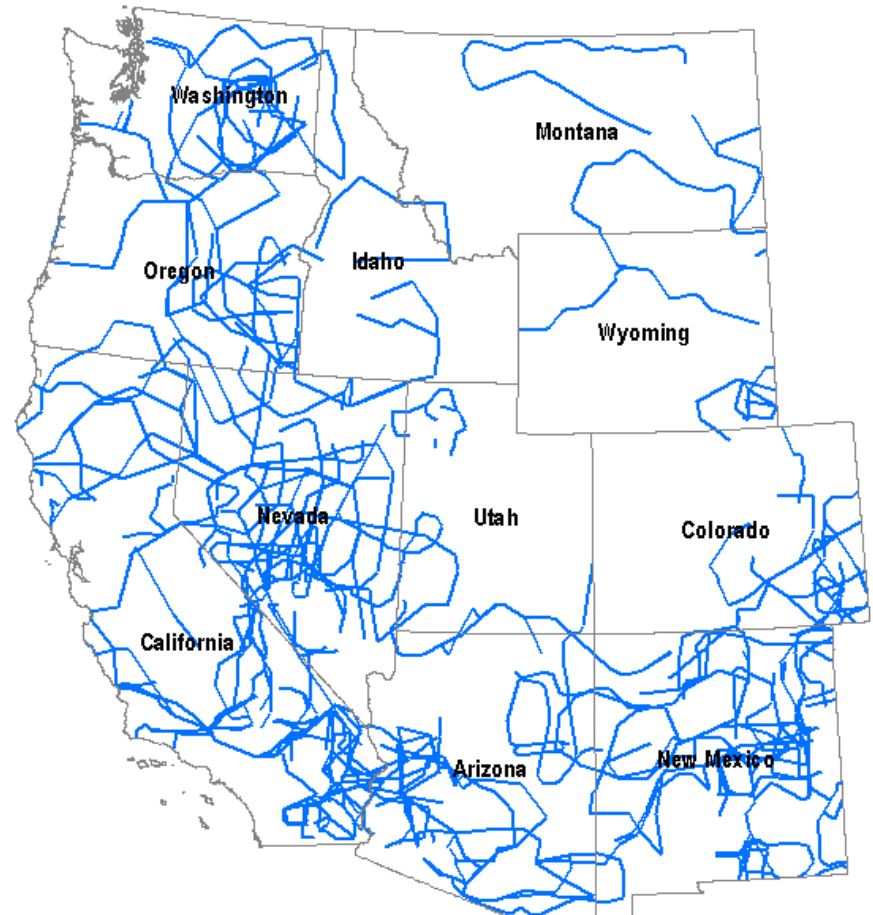
■ In contrast, programmatic EISs:

- Usually initiated at the national level
 - *But require significant involvement at the field level where specific knowledge of program implementation resides*
- One or more State Offices
- Several Field or District Offices, often from each state



Programmatic vs. Project-Specific EIS – Inter-Agency Coordination and Communication

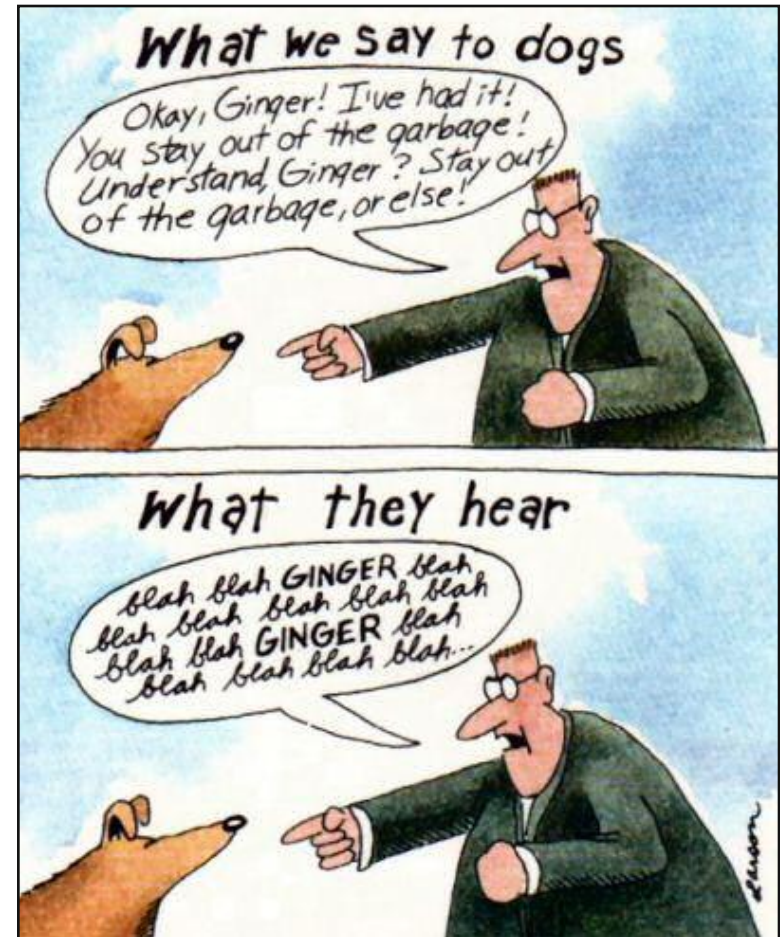
- Some PEISs may involve 2 or more lead agencies and/or cooperating agencies:
 - WWEC PEIS: DOE and BLM were the lead agencies, with USFS, USFWS, and DOD as federal cooperating agencies
- Each agency has its own policies and missions, even when there is a shared commitment to the PEIS:
 - DOD: no impacts to military training missions and requirements
 - USFWS: T&E species and critical habitat, refuges



Military Flight Training Routes

Programmatic vs. Project-Specific EIS – Dealing with Communication Challenges

- With multiple inter- and intra-agency organizations involved, there may be misunderstandings about:
 - The purpose and need for the PEIS
 - The priority for the PEIS
 - *The appropriate level by the field of commitment and participation*
 - *Due to other ongoing responsibilities*



Programmatic vs. Project-Specific EIS – Websites

■ Websites for both internal and external communication

- Effective and rapid sharing of information
- Reviewing work-in-progress
- posting documents and data
- providing links to related sites.

■ Webcasts enable real-time communication among multiple participants at widespread locations

■ WWEC PEIS

- Project public website
 - *Over 59,000 visitors*
 - *Over 218,000 user sessions*
 - *Over 2,200 receive email updates*
- <http://corridoreis.anl.gov/>

■ Webcasts

- 73 webcasts between 6/06 and 7/08
- Staff from 6 federal agencies and over 200 different offices
- 11 states and DC

Programmatic vs. Project-Specific EIS – Legal Counsel and NEPA

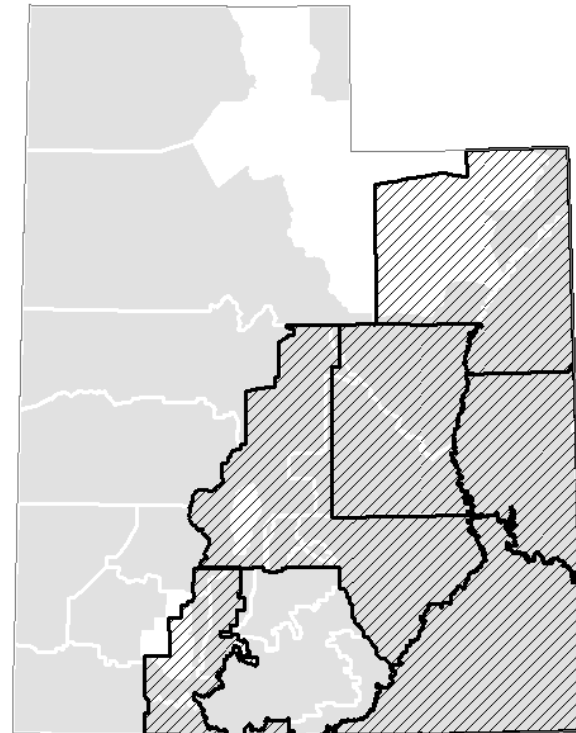
- Each agency will have its own legal counsel and NEPA office
 - Each will have different opinions on how NEPA and other laws are applied
 - *Endangered Species Act*
 - *National Historic Preservation Act*
 - *Government-to-Government Consultation*
 - Differences also likely in some of the NEPA mechanics
 - *Document design and layout*
 - *Document publication and distribution*
 - *How to run scoping and public hearings*
 - *How to present and address comments*



Programmatic vs. Project-Specific EIS – Land Use Plans

■ Land Use Plan Database

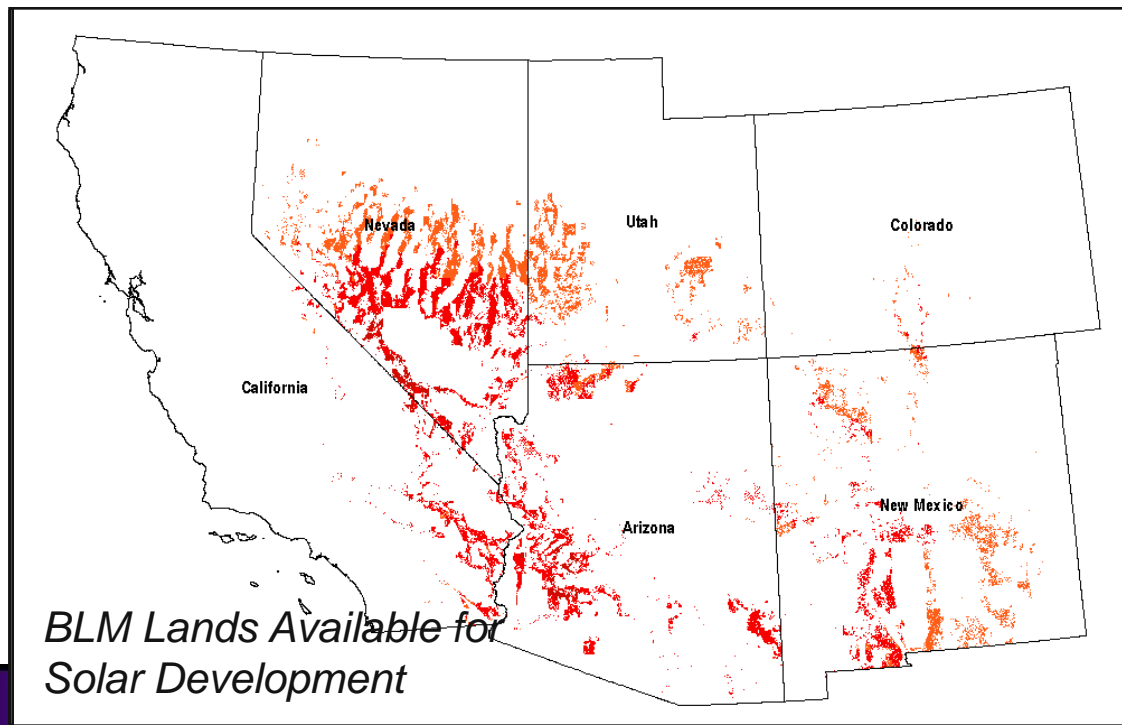
- Obtaining detailed information about agency land use plans is a daunting challenge.
- Planning unit boundaries, particularly for BLM, have changed over time and the record is not always easy to follow.
- Some older, but still current MFPs could never be found.



*Existing (grey) and Proposed
(dashed) Land Use Plan
Boundaries*

Programmatic vs. Project-Specific EIS – Dealing with Large Datasets

- GIS is very effective for processing masses of data from the large geographic areas usually involved in PEISs.
- GIS databases and tools are used for interpretation and analysis, and for display of information to improve communication among project participants.



Programmatic Environmental Impact Statement: Some Key Points for Success

- Keep the quantity and quality of data in mind when developing schedules and budget.
- Communication about the purpose and need for the PEIS, the priority for the PEIS, and the appropriate level of commitment and participation by all the involved organizations is critical to the success of the project.
- Early identification of lead program contacts at the State Office level and involvement of program and planning specialists at the Field Office level facilitate communication and project efficiency.
- Use of GIS, web-based, and other technology is cost-effective on large-scale projects.

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